

REMARKS

In the Office Action dated February 20, 2008, an informality in claim 5 was noted, which caused claims 5-8 to be rejected under §112, second paragraph as being indefinite. Claim 5 has been corrected as suggested by the Examiner, and as was originally intended by the Applicant.

Claim 5 also has been editorially amended to use the term “dosage” instead of “dose” since this is believed to be more grammatically correct in the context in which that term is used. Claim 5 also has been amended to delete the word “subject” in the penultimate line of the claim, as was originally intended.

Claim 5 also was rejected under 35 U.S.C. §103(a) as being unpatentable over Fuchs, et al. in view of Steiner, et al.

Claims 6-8 were stated to be allowable if rewritten in independent form.

In response, Applicant has perfected his claim for convention priority under 35 U.S.C. §119, so that the Fuchs, et al. reference is not available for use as a prior art reference against the subject matter of the present application. In the Office Action dated September 18, 2007, it was confirmed that the certified copy of the priority document has been received in the USPTO. Applicant has simultaneously herewith filed a Certified Translation of that priority document, in order to perfect Applicant's claim for convention priority under 35 U.S.C. §119. This means that the present application is entitled to an effective date of July 16, 2003, for the purpose of prior art being applied against it. The Fuchs patent has an effective date for prior art purposes as of October 17, 2003, which is its PCT filing date. Since that date is later than the priority date to which the present Applicant is entitled, the Fuchs, et al.

patent is not available as a prior art reference against the subject matter of the present application.

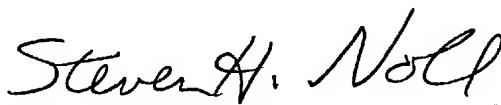
Since the Fuchs, et al. reference was the only reference applied against claim 5, Applicant submits that this perfection of priority overcomes the rejection of claim 5.

The aforementioned changes in claim 5 are solely editorial, and do not raise any new issues requiring for their searching or consideration. Moreover, since the Fuchs, et al. reference was cited for the first time in the Final Rejection, Applicant had no previous need to submit the Certified Translation of the priority document, and therefore the submission of the certified copy of the priority document at this time does not raise any new issues requiring further searching or consideration. The present response is therefore properly enterable under the provisions of 35 U.S.C. §119.

Entry of the present amendment and reconsideration of the application and allowance of all claims thereof are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required, or to credit any overpayment to account No. 501519.

Submitted by,



(Reg. 28,982)

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